

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUL 15 1996

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 15 1996

The applicant **United States Gypsum Company**, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **1.0** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Manufacturing and Domestic**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **#10 Production Well within the NW SW¼ of Section 13, Township 31 North, Range 23 East, Mount Diablo Meridian, at a point from which the West Quarter Corner of said Section 13 bears N 20°18'57" W, 1091²⁴ feet**
6. Place of Use **See Attached**
7. Use will begin about **January 1** and end about **December 31st**, of each year.
8. Description of proposed works **1000 ft. Deep 10" cased water well connected to existing distributed system via 6 inch ductile iron buried pipe lines.**
9. Estimated cost of works **\$400,000.00**
10. Estimated time required to construct works **All work completed - operating under temporary permit #61434T and 61435T**
11. Estimated time required to complete the application of water to beneficial use **1 Year**
12. Remarks: **To be used in conjunction with existing certificates 5082, 5386, 8042, and 11966 to serve the Empire, Nevada community and product manufacturing facility. This application is only for an additional diversion point, not additional consumptive use. Our current total certified water use of 407.764 MGA will not change, only realignment within the existing diversion points.**

By **s/Kenneth A. Samuelson**
P.O. Box 130
Empire, NV 89405

Compared **cms/bk** cl/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 17998 Certificate 5082; Permit 19985 Certificate 5386; Permit 25768 Certificate 8042; Permit 45164 Certificate 11964; and Permit 62302 shall not exceed 407.764 million gallons annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.
(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 235.906 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

November 1, 1997

Proof of completion of work shall be filed before:

December 1, 1997

Application of water to beneficial use shall be filed on or before:

November 1, 1999

Proof of the application of water to beneficial use shall be filed on or before:

December 1, 1999

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 1st day of November, A.D. 1996


State Engineer

Completion of work filed MAY 12 1998

Proof of beneficial use filed NOV 17 2000

Cultural map filed _____

Certificate No. 16189 Issued JUL 11 2003

1871

EXHIBIT A**TO APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATER OF THE STATE OF NEVADA
By UNITED STATES GYPSUM COMPANY****PLACE OF USE:**

The below listed lands situated generally in Washoe and Pershing Counties, Nevada:

Sec. 5 (All); and Sec. 6 (All), Unsurveyed T. 30 N., R. 23 1/2 E., M.D.M., Sec. 5 (All); and
Sec. 6 (All), Unsurveyed T. 30 N., R. 24 E., M.D.M.; Sec. 31 (All); and Sec. 32 (All),
Unsurveyed T. 30 1/2 N., R. 23 1/2 E., M.D.M., South 1/2 of Sec. 10; Sec. 11 (All); West 1/2
of Sec. 13; North 1/2 and SE 1/4 of Sec. 14; NE 1/4 of Sec. 15; West 1/2 of Sec. 24;
Unsurveyed Sec. 25 (All); SE 1/4 Unsurveyed Sec. 26; NE 1/4 Unsurveyed Sec. 35 and
Unsurveyed Sec. 36 (All), T. 31 N., R. 23 E., M.D.M., SW 1/4 Sec. 19; Sec. 30 (All); and Sec.
31 (All), Unsurveyed T. 31 N., R. 24 E., M.D.M.

